

REMARKS

Claims 1-5 and 14-28 are all the claims presently pending in the application. Claims 1-2 and 5 have been amended to more particularly define the invention. Claims 14-28 have been added to claim additional features of the invention.

No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to the prior art, claims 1 and 5 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Sanko (JP 2000-314211).

Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sanko in view of Yugen (JP 3079769). Claim 4 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sanko in view of McCoy (U.S. Patent No. 2,038,437).

The rejections mentioned above are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g. as recited in claim 1) is directed to an outer surrounding body for use in construction, characterized in that a plurality of construction sheets wherein a thin metal sheet part and a synthetic resin film are constructed in layer form and wherein each sheet includes a main sheet, **an overlapped part folded back into an almost**

hairpin-like cross-sectional shape with an engaged part formed in its bend on one end in a width direction of the main sheet, an engaging part that is formed on an other end in the width direction of the main sheet and that is to be engaged and fastened with the engaged part, an overlapping part that can overlap with the overlapped part and a fastening part that is formed in a substantially flat shape from the outside end of the overlapped part, are disposed side by side, in that a portion of the main sheet of one construction sheet that is located near the overlapping part is placed on the fastening part of an adjacent construction sheet, in that the overlapping part is overlapped with said overlapped part and in that the synthetic resin film is fused around the outer ends of the engaged parts on the overlapping parts of both construction and around the inside corners of the overlapped parts.

Conventional roofing materials have strived to achieve water-tightness or waterproofing. **However**, conventional materials possess significant drawbacks. Roofing materials using connecting structures to connect pieces together securely need to be filled with a sealing material in order to achieve waterproofing (Application from page 1, paragraph 2 to page 2, paragraph 1). Even then, the sealing material will deteriorate significantly in both aesthetics and waterproofing functionality after long-term use (Application at page 2, paragraph 1). Other conventional roofing materials utilize resin welding and molten resin material in order to provide waterproofing for a roof (Application at page 3, paragraph 1). These materials suffer from several drawbacks, including the sheet material being deformed aesthetically and functionally by the molten resin material and a lack of adhesion of the molten resin material to the sheet material (Application at page 3, paragraphs 1-3). In addition, application of the molten resin material requires individuals who have significant experience with the specific material to guard against aesthetic and functional defects (Application at page 5, paragraph 1).

On the other hand, the aforementioned exemplary aspect of the claimed invention may include **an overlapped part folded back into an almost hairpin-like cross-sectional shape**

with an engaged part formed in its bend on one end in a width direction of the main sheet, an engaging part that is formed on an other end in the width direction of the main sheet and that is to be engaged and fastened with the engaged part (Application at page 6, paragraph 1). This feature may achieve favorable waterproofing at water-tightness in the location where the construction sheets are connected to each other, achieve favorable finishing, improve the welding characteristics, and make it possible to perform resin welding with an extremely good finish, regardless of the degree of experience of the worker (Application at pages 5, paragraph 2).

II. THE 35 U.S.C. § 112, SECOND PARAGRAPH REJECTION

The Examiner alleges that claim 1 is indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner alleged confusion regarding the overlapping part and the overlapped part (Office Action at page 3, paragraphs 3 and 5).

However, Applicants respectfully notes that claim 1 has been amended to address the Examiner's concerns. Specifically, claim 1 now reads "[a]n outer surrounding body for use in construction, characterized in that a plurality of construction sheets wherein a thin metal sheet part and a synthetic resin film are constructed in layer form and wherein each sheet includes a main sheet, an overlapped part folded back into an almost hairpin-like cross-sectional shape with an engaged part formed in its bend on one end in a width direction of the main sheet, an engaging part that is formed on an other end in the width direction of the main sheet and that is to be engaged and fastened with the engaged part, an overlapping part that can overlap with the overlapped part and a fastening part that is formed in a substantially flat shape from the outside end of the overlapped part, are disposed side by side, in that a portion of the main sheet of one construction sheet that is located near the overlapping part is placed on the fastening part

of an adjacent construction sheet, in that the overlapping part is overlapped with said overlapped part and in that the synthetic resin film is fused around the outer ends of the engaged parts on the overlapping parts of both construction and around the inside corners of the overlapped parts.”

In view of the foregoing, the Examiner is respectfully requested to withdraw the rejection.

III. THE PRIOR ART REJECTIONS

A. The Sanko Reference

Sanko discloses a building material structure in which individuals materials are joined together (Sanko at Abstract). The Examiner alleges that Sanko teaches all of the elements in the invention of claims 1 and 5. The Examiner also alleges that Sanko and Yugen can be combined to teach all of the elements in the invention of claims 2 and 3. In addition, the Examiner alleges that Sanko and McCoy can be combined to teach all of the elements in the invention of claim 4.

However, Applicant respectfully submits that Sanko fails to teach or suggest all of the elements of claims 1 and 5. **Further**, Applicant respectfully submits that Sanko would not have been combined with any of the cited references to teach the invention of claims 2-4. **In addition**, even assuming (arguendo) Sanko was combined with the cited references, the combinations formed would still not teach each and every element of the invention of claims 2-4.

Specifically, Sanko **clearly** fails to teach an outer surrounding body for use in construction that may include **“an overlapped part folded back into an almost hairpin-like cross-sectional shape with an engaged part formed in its bend on one end in a width direction of the main sheet”**, and **“an engaging part that is formed on an other end in the width direction of the main sheet and that is to be engaged and fastened with the engaged part”**, as recited, for example, in claim 1 (Application at page 6, paragraph 1). This feature may achieve favorable waterproofing at water-tightness in the location where the construction sheets

are connected to each other, achieve favorable finishing, improve the welding characteristics, and make it possible to perform resin welding with an extremely good finish, regardless of the degree of experience of the worker (Application at pages 5, paragraph 2).

Clearly, Sanko fails to teach this feature. Sanko simply suggests a construction of roofing-type materials where a bottom edge is overlapped and fixed (Sanko at Abstract). **In addition**, the figures in Sanko **clearly** fail to teach this feature as well.

Further, Applicant respectfully submits that the Examiner's erred in the citation of Sanko. Specifically, the Examiner refers to several different letters (m, od, og, and fp) that are understood by the Applicant to refer to elements within figures of Sanko (Office Action at peg 4, paragreaph 3). Applicant respectfully submits that these letters **do not exist** within the figures of Sanko. Even if the letters did exist, **none of Sanko's figures** teaches or suggests each and every element of the invention of claims 1 and 5.

In summation, Applicant respectfully requests that the Examiner reconsider and withdraw all rejections depending on Sanko.

B. The Yugen Reference

Yugen discloses a snow glide related with metal roof sheathing. The Examiner alleges that the combination of Sanko and Yugen teaches the invention of claims 2 and 3.

However, Applicant respectfully submits that Sanko and Yugen would not have been combined. **Further**, even assuming (arguendo) Sanko and Yugen were combined, Applicant respectfully submits that the resultant combination does not teach or suggest each and every element of the claimed invention.

Specifically, Yugen **clearly** fails to teach an outer surrounding body for use in construction that may include "an overlapped part folded back into an almost hairpin-like cross-sectional shape with an engaged part formed in its bend on one end in a width

direction of the main sheet”, and “an engaging part that is formed on an other end in the width direction of the main sheet and that is to be engaged and fastened with the engaged part”, as recited, for example, in claim 1 (Application at page 6, paragraph 1). This feature may achieve favorable waterproofing at water-tightness in the location where the construction sheets are connected to each other, achieve favorable finishing, improve the welding characteristics, and make it possible to perform resin welding with an extremely good finish, regardless of the degree of experience of the worker (Application at pages 5, paragraph 2).

Therefore, even assuming (arguendo) Yugen would have been combined with Sanko, **the alleged combination still leaves the deficiencies referenced previously in Section A.** Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

C. The McCoy Reference

McCoy discloses an improved method for producing a novel type of corrugated metal roofing (McCoy at column 1, lines 1-3). The Examiner alleges that the combination of Sanko and McCoy teaches the invention of claim 4.

However, Applicant respectfully submits that Sanko and McCoy would not have been combined. **Further**, even assuming (arguendo) Sanko and McCoy were combined, Applicant respectfully submits that the resultant combination does not teach or suggest each and every element of the claimed invention.

Specifically, McCoy **clearly** fails to teach an outer surrounding body for use in construction that may include **“an overlapped part folded back into an almost hairpin-like cross-sectional shape with an engaged part formed in its bend on one end in a width direction of the main sheet”, and “an engaging part that is formed on an other end in the width direction of the main sheet and that is to be engaged and fastened with the engaged part”,** as recited, for example, in claim 1 (Application at page 6, paragraph 1). This feature may

achieve favorable waterproofing at water-tightness in the location where the construction sheets are connected to each other, achieve favorable finishing, improve the welding characteristics, and make it possible to perform resin welding with an extremely good finish, regardless of the degree of experience of the worker (Application at pages 5, paragraph 2).

Therefore, even assuming (arguendo) McCoy would have been combined with Sanko, **the alleged combination still leaves the deficiencies referenced previously in Section A.** Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

V. NEW CLAIMS

New claims have been added to claim additional features of the invention and to provide more varied protection for the claimed invention. These claims are independently patentable because of the novel and nonobvious features recited therein.

Applicant submits that new claims are patentable over the cited prior art references at least for analogous reasons to those set forth above with respect to claims.

VI. FORMAL MATTERS AND CONCLUSION

With respect to the Examiner's objections, the objected claims have been amended in a manner fully responsive to the Examiner's objections.

In view of the foregoing, Applicant submits that claims 1-5 and 14-28, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date:

November 19, 2007

Respectfully Submitted,



Christopher R. Monday
Registration No. 60,929

Sean M. McGinn
Registration No. 34,386

McGinn IP Law Group, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, Virginia 22182-3817
(703) 761-4100
Customer No. 21254